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Veröffentlichungsversion / Published Version
Stellungnahme / comment

Zur Verfügung gestellt in Kooperation mit / provided in cooperation with:
Stiftung Wissenschaft und Politik (SWP)

Empfohlene Zitierung / Suggested Citation:

Seufert, G. (2016). *Turkey as partner of the EU in the refugee crisis: Ankara's problems and interests*. (SWP Comment, 1/2016). Berlin: Stiftung Wissenschaft und Politik -SWP- Deutsches Institut für Internationale Politik und Sicherheit.
<https://nbn-resolving.org/urn:nbn:de:0168-ssoar-459108>

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Turkey as Partner of the EU in the Refugee Crisis

Ankara's Problems and Interests

Günter Seufert

Rarely has a resolution by the European Union heads of state and government been criticised from such diverse perspectives and positions of vested interest as the EU's agreements with the Turkish government of 29th November 2015 regarding the alleviation of the refugee crisis. Eastern European states, human rights organisations, a European public critical of Turkey and Turkish intellectuals are united in their skeptical rejection of Brussels' policies. They take the view that the EU's financial and political concessions to Turkey have overstepped the mark. By contrast, the situation in Turkey has barely played any part in the discussion to date. Little interest has been shown in the financial means at Turkey's disposal in order to fulfil these tasks, in the political cost which would arise for the government as a result of steps taken in the above-mentioned direction and in the major upheaval in Turkish asylum and aliens policy which is inevitably associated with the agreements. Also lacking is speculation on why Turkey is prepared to cooperate with the European Union at all, how it could have been persuaded to participate in such a collaboration initially and on which mutual objectives and interests a cooperation of this nature could be based.

"Approximately 1.5 million people entered the EU illegally in 2015. The majority of these via Turkey." With these words, spoken during the meeting with Ankara, the President of the European Council, Donald Tusk, outlined not only the extent of the refugee crisis and the central role played in it by Turkey, but also the primary concern of the gathering. It was, and continues to be a matter of the regaining of control over the external European border in the Aegean, which was lost during the influx of over

150,000 non-registered entries to Greece in September 2015 alone. In the interests of the internal peace, security and cohesion of the European Union, immigration must be controllable and the identity of entrants determinable. Furthermore, policy development as regards the refugee question will only be possible if state bodies are not deprived of the opportunity to decide which groups of migrants are accepted. Experiences with previous refugee movements from North Africa to Spain and Italy and

those from Albania to Italy have shown that, in the case of large-scale migrations, the control of maritime borders is only possible in cooperation with the states on the opposite coastline. In the case of the Aegean, this is Turkey. All other proposals pitched into the debate add nothing to the achievement of this first, short-term goal; neither the “equitable” distribution of refugees across Europe, nor the increased support of initial host countries of Syrian refugees such as Jordan, Lebanon and Turkey; neither the fight against people smugglers nor the extension of the list of “safe countries of origin”. That Turkey is, notwithstanding the frequently expressed contrary view, quite capable of limiting irregular migration from its coastlines became evident just two days after the meeting, when the Turkish coastguard service prevented the passage of approximately 1,500 individuals. As a result, the critical question is not whether Turkey is able to control larger-scale migration movements, but whether it is prepared to do so in the medium and long term.

The EU's agreements with Ankara

The agreements of 29th November 2015 consist of reciprocal memoranda of understanding, and announce the implementation of the Mutual Action Plan between Turkey and the EU of 15th October 2015.

In the Action Plan, Turkey secures stricter controls of its maritime and land borders with the EU and the implementation of readmission agreements with Greece and Bulgaria. It guarantees the implementation of new regulations for the registration and classification of refugees in cooperation with the United Nations High Commissioner for Refugees and announces a tightening of its visa policy towards the chief countries of origin of refugees. The fight against people smugglers is due to be stepped up, and the cooperation with Frontex expanded. In addition, Turkey professes its intention to strengthen measures directed at refugees' access to social and medical services, the

education of refugee children and the “participation” of the refugees “in the economy”.

At the meeting of 29th November, Ankara promised to implement the readmission agreement with the EU by July 2016.

In return, the EU expressed its willingness to recommend that the Schengen member states lift the visa requirement for Turkish citizens by October 2016, when the readmission agreement has been fulfilled and the Turkish visa regulations for third countries have been revised. Moreover, Brussels has secured extensive immediate and longer-term financial aid for the support of refugees in Turkey. Additionally, the EU also hinted at the acceleration of accession negotiations, the immediate opening of chapter 17 and the imminent opening of further negotiation chapters. It also committed to the instigation of bi-annual summit meetings with Turkey, the establishment of a continual political dialogue, high-level dialogue formats on economic and energy policy and the renegotiation of the customs union.

How realistic is it to expect that Turkey will actually implement its memoranda of understanding?

An overview of the refugee situation in Turkey, the costs to and political burdens placed upon the country as a result of the refugee crisis and, also, of the prevailing legal situation and the political tradition of Turkish asylum and aliens law demonstrates how major the steps expected by Europe of Turkey actually are.

Immense financial and political costs for Ankara

On the one hand, there is the high financial burden to Turkey caused by the refugee crisis. According to data published by the UNHCR, Turkey is hosting a constant figure of over two million refugees, primarily from Syria, but also from Iraq. It is also the chief initial destination of future waves of refugees from Syria, where between three and five million people are waiting for a chance to emigrate. However, even if Turkey

should close its borders, the number of Syrians in the country will continue to rise. Over 150,000 Syrian children have been born in Turkey since the mass exodus in 2011. This figure will rise further; 54 per cent of Syrian refugees are 18 years of age or younger.

Ankara has calculated that it has spent over eight billion dollars on the placement of a maximum of 15 per cent of the refugees in 25 camps (the remainder lives outside of these), on their registration, emergency medical treatment and on the partial education of the children to date.

At a rate of approximately 90 per cent, the education of minors is only satisfactory within the camps. For the large majority of children living outside the camps, the education rate is just 24 per cent, and, as a result, two thirds of the Syrian minors living in Turkey remain unschooled – this equates to over 400,000. It follows that the refugees' integration within Turkish society, as demanded by the EU, presents the country not only with major organisational challenges, but with immense financial ones as well. Yet the necessary funds are dwindling rapidly. In 2015, economic growth in Turkey fell short of the anticipated 4.0 per cent and registered at a mere 2.5 per cent, while youth unemployment climbed from 15.5 to 17 per cent and the overall rate of unemployment is predicted to rise from 9.9 to 11.6 per cent in 2016.

It follows that Ankara has good reasons for waving through refugees wishing to journey onwards, just as the Balkan states or, indeed, the EU member states Hungary, Croatia, Slovenia and Austria, have done. As a result, equitable burden-sharing is a prerequisite for any long-term collaboration between Turkey and the EU.

The skepticism of the native population poses a second challenge to the integration of refugees within Turkish society. Despite the fact that the acceptance of refugees in Turkey – unlike in Europe – played no role in the presidential election campaigns in 2014 and the two parliamentary elections in 2015, public sentiment in the country is

turning against the refugees. In 2014, 70 per cent of local citizens considered the Syrians an economic burden. In the south-east of the country, where the majority of refugees reside, three fifths of local residents were convinced that Syrians were more criminal than locals and presented a danger to public order in early 2015.

70 per cent of respondents even deemed the refugees a security risk to the country. The figures demonstrate the level of resistance which the implementation of the EU's expectations will encounter with regard to the longer-term integration of refugees within Turkish society. The "participation" of refugees "in the economy", whatever form this takes, as referred to in the EU's Action Plan with Turkey, can only be achieved in the face of opposition from large swathes of the population. Officially, the government is continuing to assert the possibility of a swift return of the refugees to their countries of origin, and refrains from confronting the population with the reality of the Syrians' permanent presence. Long-term, substantial cooperation with Turkey on the issue of refugees is thus required – not only in order to gain government support, but also that of at least parts of the population.

A break with the Republic's ideological tradition

Moreover, the long-term integration of refugees in Turkish society presupposes a break with firmly established legal traditions in the Republic of Turkey, which reflect deeply-rooted ideological paradigms. In the 1920s and 1930s, the migration and population policies pursued by the young republic were aimed at the creation of a nation as homogeneous as possible, which would speak Turkish and be of Sunni Muslim faith. This goal was served by the population exchange with Greece in 1923, which planned and implemented the deportation of Greek Orthodox Christians from Turkey and the admission of Sunni Muslims from Greece. Similar agreements were made with Romania, Bulgaria and Yugoslavia until 1939.

The objective of homogenising the nation in line with a Turkish Muslim identity also served the so-called “Resettlement Law” (iskan kanunu) of 1934, which limited the settlement and granting of citizenship on a large scale to groups of “Turkish origin and culture”. The practices pursued in the following years showed that this wording was aimed not primarily at the Central Asian Turkic peoples, but rather at members of smaller Sunni Muslim nations from the Balkans and the Caucasus, who were purportedly easier to integrate within the Turkish nation. The settlement of groups such as these was designed not only to increase Turkey’s overall population, but also to decrease the proportion of groups difficult to assimilate, particularly the Kurds.

Although this type of policy was widespread among the region’s young nation states in the 1930s, the ideology remains influential and effective in Turkey today. The revised version of the Resettlement Law of 26th September 2006 continues to make the fulfilment of the above criteria the precondition for the settlement of larger groups and the granting of citizenship to their members. That the corresponding ideological orientation remains valid is demonstrated by the fact that, in 2014, Kurdish Yazidi refugees were only accepted into the country in the wake of vehement protests against the rejection of their applications.

Turkey would bid farewell to its ideal of a culturally homogeneous nation with the integration and subsequent naturalisation of a large number of Arabic-speaking refugees. Although the Kurdish conflict has permanently undermined the earlier self-evidence of the concept of a culturally homogeneous nation within the population, nationalist parties and sections of the security apparatus are clinging to it more strongly than ever. The less successful Turkey is in extricating itself from the nationalist parameters of its founding years, the lower Europe’s chances of cooperating with it in overcoming the refugee crisis will be.

Necessary remodelling of asylum and aliens law

The current legal situation in Turkey is also opposed to the long-term integration of Syrian refugees within Turkish society. We have already referred to the “Resettlement Law”, which, in its current version, prevents the naturalisation of larger groups of people of “non-Turkish origin and culture”.

However, the next best provision for refugees, i.e. the granting of a right of residence as a recognised asylum seeker, is not possible for the main body of refugees from Syria under current Turkish law at the present time. Although Turkey ratified the Geneva Convention relating to the Status of Refugees of 1951 and also acknowledged the New York Protocol of 1967 relating to the same, like three other of the 142 signatory states of these two agreements (Congo, Madagascar and Monaco), Turkey takes advantage of an option granted to the signatory states at the time, and practices a so-called “geographical limitation”. It thus applies the convention only to refugees from Europe, i.e. to member states of the Council of Europe. As only very few individuals from countries with membership of the Council of Europe have sought protection in Turkey, less than twenty asylum seekers received the legal status of a recognised refugee between 1995 and 2010 annually.

To date, refugees from non-European states have only been able to be resettled in a country willing to accept them in the wake of their recognition in coordination with the UNHCR. As a result, Turkey, despite its strenuous efforts, has hitherto offered refugees no longer-term perspective.

The third-best status one can achieve is a temporary legally-protected right of residence. Of the Syrian refugees in Turkey, only approximately 80,000 people, the three per cent who entered the country with a passport, hold an official residence permit. According to the “Law on Work Permits for Foreign Nationals”, they may receive a permit to perform work usually unpopular with native applicants. Although

the Turkish authorities were generous in their interpretation of these regulations when it came to Syrian applicants, only approximately 10,000 work permits have been granted to date, 6,000 of which to joint proprietors of companies which were founded with Syrian capital, among other assets.

In October 2014, the over 95 per cent majority of all Syrian refugees in Turkey received a clearly-defined status for the first time, with the enactment of the “Temporary Protection” Regulation (TP). Although this group was and continues to be referred to as “guests” in line with government rhetoric, and is, in practice, tolerated within the country, they were, by law, however, irregular migrants lacking all legal protection. The TP grants fleeing and registered Syrians the right to a refugee identity card and, with this, the guarantee of “non-refoulement”, or non-expulsion or return, for the first time. The refugee identity card also provides access to interpreting services, emergency medical treatment and, as far as these are available, social services. State schools have been obliged to accept the children of Syrian refugees since September 2014.

However, the issue of work permits has been excluded to date. Although the aforementioned decree of October 2014 stipulates that the Council of Ministers should determine geographical regions and economic sectors for which work permits may be issued, this has not yet occurred, and would, in all likelihood, meet with a fierce reaction from the population. The fact that, in August 2015, the Ministry for National Education found itself forced to immediately deny reports announcing the issue of work permits to Syrian teachers urgently required for the education of the children of refugees is a case in point. If Turkey really does wish to cooperate with Europe as regards the refugee issue, it must subject its asylum and aliens law to a fundamental overhaul.

Farewell to the political instrumentalisation of refugees

“The EU finally got Turkey’s message and opened its purse strings. What did we say? ‘We’ll open our borders and unleash all the Syrian refugees on you’.” These were the comments of Burhan Kuzu, one of the chief advisers to President Recep Tayyip Erdoğan, on the tentative agreement between the EU and Turkey of 29th November in Brussels. Two weeks previously, Erdoğan himself had not only accused the Europeans of “turning the Mediterranean into a cemetery”, but also threateningly posed the question: “What would happen if 2.2 million refugees all march to Europe?” As early as 7th September, shortly before large numbers of refugees started transiting from the Turkish Aegean coast to the Greek islands, the editor-in-chief of the daily newspaper *Yeni Şafak*, the semi-official party organ of the Justice and Development Party (AKP), sent an initial warning to the EU. His commentary was entitled: “Open the gates for millions to flock to Europe!” It included the words: “A great march to Europe should begin, from Anatolia, from the coasts of the Mediterranean, ... from Afghanistan and Syria, from Mesopotamia and North Africa, ... to the capitals of Europe ...” Although the editor-in-chief has a reputation as a zealot with a tendency to overstep the mark, this is not the first time that the Turkish government has politically instrumentalised the refugee crisis.

The generous acceptance of Syrian refugees was not only carried out on humanitarian grounds, but also on the basis of political considerations. In September 2012, Erdoğan expressed his hope that he would shortly be able to perform the ritual prayer in the Umayyad Mosque in Damascus. Ankara was banking on the rebels’ rapid victory and the subsequent end of the war. At political level, the active support of the Sunni opposition and, at population level, the generous acceptance of refugees was designed to ensure that Turkey would become a defining power in the new Syria after the war’s end.

Not only did Turkey keep the border open for refugees, but also for Syrian and international fighters. As the Turkish commentator Murat Yetkin stated so aptly on 15 January 2015, the open border policy was also part of Turkey's strategy to accelerate the fall of Assad. International pressure to step up border controls and prevent the transfer of jihadist fighters from all over the world was countered with references to the refugees' plight from figures including Prime Minister Ahmet Davutoğlu on 10th January 2015 in Berlin, just three days after the Paris attacks on the satirical magazine *Charlie Hebdo*.

The fact that Turkey was reluctant to seek international support, instead shaping its refugee policy alone and in embarrassing isolation, does spark suspicion that the refugee camps and their surroundings were used as places of retreat and regeneration for rebels. Thus, in initial years, Turkey denied even Turkish NGOs and the UNHCR access to the camps, and was not prepared to fulfil minimum standards of transparency customary in the field of international refugee cooperation. For a time, the refugees were treated in accordance with decree 62/2015, which has never been published and the contents of which were not even disclosed to the members of parliament. In 2012, Metin Corabatir, at that time Turkey's UNHCR spokesperson, also pushed for the relocation of refugee camps close to the border, this in order to exclude their military use.

Moreover, the Turkish government has used the high number of refugees in order to justify and reinforce its call for the imposition of a no-fly zone in order to weaken the Syrian air force and to support the rebels, reiterated repeatedly since 2012. Prime Minister Davutoğlu made a final thrust in this direction as the refugee movements in the Aegean reached their height. On 27th September, he proposed the cleansing of a strip of land approximately 80 kilometres in length west of the Euphrates in Northern Syria of "Islamic State" troops. He suggested that the area should be declared

a secure zone, in which Turkey could, using European funding, create three refugee cities, each with the capacity to house 100,000 individuals. According to Davutoğlu, the refugee movements in the Aegean have helped Europe to realise Turkey's major contribution to date, and the essential role it plays in the management of the refugee crisis. In recent years, the Turkish government has attempted to compare its strategy in the Syrian Civil War with the interests of the refugees so frequently that even Turkish commentators were on the verge of concluding that it was about to gamble away the moral superiority gained by its acceptance of the refugees.

"Sell-out of European values" and "kowtowing to Ankara"

To date, this "baseline situation" in Turkey has played almost no part in European discussions on cooperation with the country in the handling of the refugee crisis. Although the financial pressure on Turkey is acknowledged and the hospitality of the population praised, the signs of a change in sentiment have been ignored thus far, along with the question of the political cost of the refugees' integration within Turkey's already fiercely competitive labour market. There has also been little regard for the current legal framework. The fact that Turkey's political instrumentalisation of the refugee crisis is not addressed openly is relatively easy to comprehend – after all, one does not wish to alienate a possible partner from the outset. If Turkey continues to use the refugee issue as part of its Syria policy – so far without success – the chances of joint action with the EU are poor.

As a result, a consideration of mutual interests pursued by Europe and Turkey through a cooperation in the refugee crisis becomes increasingly important.

That, instead of this, norm-referenced and value-based discussions are primarily the order of the day, and that a collaboration with Turkey is currently being rejected, can be partially explained as follows.

It is important to recall that European-Turkish relations are viewed almost exclusively within the framework of the relationship of a candidate seeking accession to the Union and a European Union imposing conditions on this candidacy. This also applies to the liberal voices within Turkey. The meeting of the EU heads of state and government with Turkey took place at a time in which Turkey registered a serious backslide as far as freedom of speech and freedom of the press, rule of law and the protection of minorities were concerned. As a result, human rights organisations and Turkish liberals understandably viewed what they perceived as the valorisation of the Turkish government via the agreement of biannual consultations of the Union and Turkey at the highest levels as sheer mockery. In their opinion, the same applies to the EU's readiness to accelerate negotiations regarding the country's accession. There was talk of dirty dealing and the sell-out of European values. The Amnesty International representative in Turkey even spoke of a stain on the EU's conscience. Meanwhile, in Germany and other EU member states, a public critical of Turkey sneered at what was deemed "kowtowing" by European politics to President Recep Tayyip Erdoğan.

All this illustrates that eyes remain firmly closed to the unpleasant realisation that the familiar power balance between the EU and accession candidate Turkey has now turned on its head, for, in the refugee crisis, the EU is more reliant on Turkey than vice versa.

In the face of this, Ankara's desire to continue the accession process represents an opportunity for the EU, and a response to this is by no means a burden. This is because only the accession process can provide the EU with the opportunity to relativise Turkey's current power status towards it in the mid-term, by ensuring that Ankara resumes its role as candidate and the EU regains influence over Turkish policy via the hierarchy intrinsic to the accession process. Fortunately for the EU,

Ankara has recognised that it is dependent on good relations with the EU in both the medium and long term.

Criticism of the deal with Ankara which concentrates solely on the breach of European values and standards by Turkey misconstrues the nature of the accession negotiations and their effect on the candidate countries. After all, the accession negotiations constitute the EU's most effective means of influencing the domestic and reform policies of accession candidates, and it was during precisely those years of actual deadlock in the negotiations that the largest setbacks in the democratic culture of Turkey were observed. The accession negotiations instrument should certainly not be surrendered by those interested in an improvement of the political situation in Turkey. We must also remember that the decision to open negotiation chapters invariably follows political considerations, yet the consultations in the individual chapters are of a technical and juridical nature and no progress can be made in this respect without reform and concrete improvements. However, fears that Turkey could bluff its way into the EU on the grounds of its significance in terms of security policy for Europe and without the fulfilment of democratic and constitutional standards are not only out of place for this reason, but also as there is no automatism within the accession process, and each additional step towards rapprochement requires the agreement of all member states.

Turkey and Europe at a crossroads

A Euro-critical and even anti-European tone prevails in Turkey today – among the population and in government circles alike. Despite this, Ankara is seeking a fresh start with the European Union via the refugee crisis. Prime Minister Davutoğlu would like 17 chapters to be opened within the next five years, four to five of which are to be tackled in 2016. This is because Turkey is facing a political disaster. For years now, it has devoted special attention to the Middle

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ISSN 1861-1761

Translation by Harriet Rössger

(English version of
SWP-Aktuell 98/2015)

Translation supported by
Stiftung Mercator in the
frame of the IPC-Stiftung
Mercator Fellowship
Program at SWP

East, neglecting the European Union and seeking rapprochement with Sunni-Arab countries and Russia instead. However, Turkey's vision of becoming a leading power in the Middle East has failed to materialise. Ankara's relations with Iran, Iraq, Egypt and Israel have reached an all-time low. Today, Turkey once more requires transatlantic backing against Russia, which, just two years ago, Erdoğan approached to seek his country's inclusion in the Shanghai Cooperation Organisation. The years of plenty are also over as far as the economy is concerned. Newly-conquered markets have collapsed after just short periods of time, and the regression in domestic policy has frightened off investors.

As a result, the European Union, despite its present predicament, more than retains its ability to take action where Turkey is concerned.

However, as regards a cooperation on the refugee issue, Brussels should not underestimate both Turkey's difficulties and the resistance within the country to a collaboration with Europe. For a cooperation can only bear fruit if not only Europe, but Turkey too, benefit directly from the same. As a result, European countries should lighten Turkey's load by accepting a substantial number of refugees already registered there – primarily families with children. To produce this effect, Europe's offer must be presented as a convincing "package", which contains financial aid and commitments to the receiving of refugees in equal measure. Those who, like EU Commissioner Günther Oettinger, believe that a cooperation can be achieved via financial means alone, and seek to console Ankara as far as the regulated admission of refugees from Turkey is concerned, have failed to grasp the gravity of the situation.

Because it is by no means a foregone conclusion that Turkey will actually fall in line with Europe once again. The debate surrounding the future of Turkey not only divides government and opposition, but is also being fought out within the ruling

party. In this context, signals from Europe increase in importance.

Europe itself should recall that collaborations with Turkey have always been motivated by foreign and security policy – issues which are perhaps more valid than ever before in the light of the state disintegration in the Middle East and its ensuing impact. The refugee crisis and a new dimension of terror are merely the initial results of this development.